



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: McWane and Company, Inc.

File: B-270374

Date: March 1, 1996

Gilbert J. McWane for the protester.

John Donaldson, Esq., Department of Transportation, for the agency.

Adam Vodraska, Esq., and Guy R. Pietrovento, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

The procuring agency properly determined that the protester's low priced proposal was technically unacceptable where the protester failed to provide sufficient information, as required by the solicitation, to allow the agency to evaluate a required key person and the protester's proposal demonstrated a lack of understanding of the contract requirements.

DECISION

McWane and Company, Inc. (MACI) protests the award of a contract to Consulting and Program Management Services, Inc. (CPMS) by the National Highway Traffic Safety Administration, Department of Transportation, under request for proposals (RFP) No. DTNH22-95-R-04122 for inventory and property control support services.

We deny the protest.

The RFP, issued as a total small business set-aside, contemplated the award of a firm, fixed-priced contract for 1 base with 4 option years. The RFP's statement of work described the agency's need for a full-time inventory clerk, with supervision as necessary, to support the overall maintenance of an existing automated property control system for approximately 10,000 items of non-expendable personal property located at headquarters, field facilities, and contractor sites. The contractor is to provide qualified personnel on-site during normal office hours, not to exceed 40 hours per week. The solicitation included the agency's standard operating procedures for property management, and requires the contractor to process incoming property, excess property, and transfers of property, and to perform an annual inventory in accordance with these standard operating procedures. The RFP also stated that contractor personnel will be supplied with the necessary equipment and supplies to perform the property management task.

A best value basis for award was stated, and the following technical evaluation factors were listed in descending order of importance: qualifications of project personnel; program management; and experience of the organization. Offerors were informed that technical considerations were of primary importance and that a higher-priced proposal could be accepted if technical considerations made the offer most advantageous to the government. Offerors were also informed that the government intended to make award on initial proposals without conducting discussions and, accordingly, offerors were cautioned to submit proposals on the most favorable basis.

The agency received proposals from six offerors, including MACI and the awardee. Three proposals, including the awardee's, were determined to be technically acceptable. MACI's proposal and another offeror's proposal was found to be technically unacceptable but with correction potential, and another offeror's proposal was found to be technically unacceptable and not correctable. Regarding MACI's proposal, the agency found that MACI had provided insufficient information to allow the agency to evaluate the qualifications of its proposed inventory clerk. Also, MACI's proposal was "geared toward the implementation, start-up, and management of a new property system," rather than on-site support for the agency's existing system; in the agency's judgment, this demonstrated a lack of understanding of the solicitation requirements.

The contracting officer determined that given the adequate price competition obtained from the technically acceptable offerors, discussions were not necessary. Award was made to CPMS, the firm submitting the lowest-priced and highest-rated offer. MACI requested and received a debriefing, and this protest followed.

MACI challenges the agency's evaluation of its proposal and asserts that it is entitled to award as the offeror submitting the lowest price.¹

In reviewing protests against the propriety of an agency's evaluation of proposals, it is not the function of our Office to independently weigh the merits of the offers. Microeconomic Applications, Inc., B-258633.2, Feb. 14, 1995, 95-1 CPD ¶ 82. Rather, the evaluation of proposals is a matter within the discretion of the procuring agency since the agency is responsible for defining its needs and the best method of

¹Initially, MACI complained that it did not receive a debriefing within 5 days of its request. Because the agency addressed this issue in its report, and the protester did not respond in its comments, we consider this protest ground to be abandoned. See CSR, Inc., B-260955, Aug. 7, 1995, 95-2 CPD ¶ 59.

accommodating them. Ascom Hasler Mailing Sys., Inc., B-257327, Sept. 22, 1994, 94-2 CPD ¶ 137. Consequently, we will question an agency's evaluation only where the record clearly shows that the evaluation does not have a reasonable basis or is inconsistent with the evaluation criteria listed in the RFP. Engineering Inc., B-257822.5, Aug. 18, 1995, 95-2 CPD ¶ 130. A protester's mere disagreement with the agency does not render the evaluation unreasonable. Id. Here, we find that the agency reasonably determined that MACI's proposal was technically unacceptable.²

First, MACI's proposal was evaluated as providing insufficient information concerning its proposed inventory clerk. The agency considered this a significant deficiency under the qualifications of project personnel factor, the most heavily weighted evaluation factor. Under this factor, offerors were required to provide information regarding the education, experience and availability of the key personnel (the inventory clerk and property manager) that would be assigned to this contract. The instructions stated that this may be in the form of a recruiting announcement (including a position description) or resumes of existing personnel. The statement of work required that on-site contractor personnel, such as the on-site inventory clerk, have relevant experience "in property management data entry and filing, and shall be thoroughly familiar with data entry using a keyboard and CRT type screen, and filing of documentation." MACI provided the following information regarding the inventory clerk in its proposal:

"On-site Person: MACI's policy is to not necessarily commit to a new hire when an incumbent contractor has people in place. However, we have a number of candidates who are well qualified for this position. Accordingly, upon notification of award, we will be in a better position to determinate whether to retain the existing on-site person or bring in one of our candidates. As a successful offeror, our access to the information needed to make this critical decision would be more readily available.

"The MACI qualifications for this position are: property management/supply clerk with solid data entry skills. Must be a self starter, customer oriented and able to work independently. Previous bar coding experience a plus."

While MACI correctly notes that it was not required to identify a specific individual to fill the inventory clerk position, the solicitation required offerors to provide sufficient information to allow the agency to evaluate the quality and acceptability

²Although MACI asserts that it was informed in its debriefing that its proposal was found to be technically acceptable, the record shows that the technical evaluators and contracting officer evaluated MACI's proposal as technically unacceptable.

of the inventory clerk the agency could expect to receive. Specifically, the RFP required that offerors, at a minimum, identify the educational and experience qualifications that would be required of potential inventory clerks and the availability of such candidates. Here, MACI merely informed the agency that it had candidates in mind, and that the qualifications for these candidates included "solid data entry skills," being a "self starter," and "customer oriented." We agree with the agency that this information does not demonstrate the education or experience that the agency could expect to receive in the inventory clerk position during contract performance. MACI also did not provide information regarding the availability of any proposed candidates, other than to state that such candidates exist. In this regard, MACI's statement that it might consider hiring the incumbent inventory clerk also does not indicate availability of an inventory clerk because MACI does not state whether it has approached this individual to inquire of his availability or interest in employment with MACI. We think that the agency properly downgraded MACI for the qualifications of project personnel factor.

The record also supports the agency's downgrading of MACI's proposal under the next most important evaluation factor, program management. The agency found that MACI's proposal evidenced a lack of understanding of the limited role of the contractor in supporting the property management function; that MACI essentially proposed to "take over," rather than merely support, the existing property management function. For example, MACI purposed to analyze the existing system for possible improvements; to perform random spot checks; and to develop a standard bar code placement guide for each type of equipment, "a pre-inventory plan" for an initial inventory, and "better ways of providing responsible inventory and customer service through the use of reasonably available technology." The RFP here did not seek development of, or changes to, the existing property management process and system. While MACI argues that it has offered the agency more than what was required by the RFP, the fact is its proposal did not indicate its understanding that the contractor is merely to support the agency's day-to-day operational service of an existing system and not remake the system. We find the agency's evaluation of this aspect of MACI's proposal to be reasonable. See Hill's Capitol Sec., Inc., B-233411, Mar. 15, 1989, 89-1 CPD ¶ 274.

In sum, we find that the agency properly determined that MACI's proposal was technically unacceptable as submitted, based on the two deficiencies discussed above, and that given the agency's determination to make award on initial proposals, a determination which MACI has not protested, the agency properly did not consider MACI's proposal for award.

The protest is denied.

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